

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

| | | |
|------------------------|---|------------------------------|
| INLINE PACKAGING, LLC, |) | |
| |) | |
| Plaintiff, |) | Civil No. 0:15-03183-ADM-LIB |
| |) | |
| vs. |) | |
| |) | DEFENDANT'S MOTION TO |
| GRAPHIC PACKAGING |) | DISMISS COMPLAINT |
| INTERNATIONAL, INC., |) | |
| |) | |
| Defendant. |) | |

Defendant Graphic Packaging International, Inc. (“Graphic”), pursuant to Federal Rule of Civil Procedure 12(b)(6) and Local Rule 7.1(c), hereby moves the Court for an Order dismissing the Complaint in its entirety.

In the Complaint, Plaintiff asserts five causes of action: tortious interference with prospective business relations (Count I); tortious interference with existing contractual relations (Count II); misappropriation of trade secrets under Minn. Stat. ¶ 325C.01 (Count III); maintenance or use of a monopoly under Minnesota Stat. § 325D.52 (Count IV); and monopolization in violation of the Section 2 of the Sherman Act (Count V). While Plaintiff attaches various pejorative and conclusory labels to describe the conduct it alleges Graphic has engaged in—such as “predatory,” “unfair,” and “sham”—Plaintiff does not allege any facts that support these labels or that would push its claims from the possible to the plausible. The mere formulaic recitation of claim elements is not sufficient to meet the pleading requirements of Rule 12. Rather, Plaintiff must set forth specific *facts*, and not conclusions, to articulate an actual claim. Plaintiff’s failure to do

so with respect to each claim identified in the Complaint requires dismissal of the entire Complaint.

This motion is based upon the supporting memorandum of law filed herewith and all the files and proceedings in this case.

Date: September 15, 2015

Respectfully submitted,

By: s/Felicia J. Boyd

Felicia J. Boyd, MN #186168

BARNES & THORNBURG LLP

225 South Sixth Street, Suite 2800

Minneapolis, MN 55402

Telephone: (612) 367-8729

Facsimile: (612) 333-6798

felicia.boyd@btlaw.com

David Hamilton (*admitted pro hac vice*)

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

250 West Pratt Street, Suite 1300

Baltimore, MD 21201

Telephone: (410) 545-5850

Facsimile: (410) 694-0871

david.hamilton@wcsr.com

Jason C. Hicks (*admitted pro hac vice*)

Amanda Norris Ames (*admitted pro hac vice*)

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

1200 Nineteenth Street, NW, Suite 500

Washington, DC 20036

Telephone: (202) 467-6900

Facsimile: (202) 467-6910

jahicks@wcsr.com

aames@wcsr.com

**ATTORNEYS FOR DEFENDANT
GRAPHIC PACKAGING INTERNATIONAL, INC.**